

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re AMERICAN REALTY CAPITAL : Civil Action No. 1:15-mc-00040-AKH
PROPERTIES, INC. LITIGATION :
: CLASS ACTION
This Document Relates To: :
: ALL ACTIONS. :
_____ x

CLASS PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE UNDER
SEAL ADDITIONAL INFORMATION RECEIVED FROM CERTAIN DISPUTED
CLAIMANTS SUPPLEMENTING EXHIBITS 1, 2, 5 AND 14 TO THE DECLARATION OF
MISHKA FERGUSON REGARDING THE CLAIM ADMINISTRATION PROCESS AND
REMAINING DISPUTED CLAIMS (ECF NO. 1340)

PLEASE TAKE NOTICE that pursuant to Rule 4(B)(i) of this Court's Individual Rules of Practice, Class Plaintiffs, by their undersigned attorneys, hereby move this Court for leave to file under seal additional information received from certain disputed claimants supplementing Exhibits 1, 2, 5 and 14 attached to the Declaration of Mishka Ferguson Regarding the Claim Administration Process and Remaining Disputed Claims ("Ferguson Declaration"), submitted as Exhibit A to the Corrected Report of Claims Administrator (ECF No. 1340). Class Plaintiffs seek permission to file a redacted version of the Notice of Supplemental Information Relating to Exhibits 1, 2, 5 and 14 to the Ferguson Declaration to protect the claimants' sensitive and personal information including financial account information and account numbers, social security numbers, and agreements entered into with the claimants' employer. This information is relevant only to the claimants' disputed claims and is not pertinent to the issues underlying the subject litigation.

In accordance with Rule 4 of this Court's Individual Rules of Practice, Class Plaintiffs are contemporaneously herewith: (1) filing on ECF a redacted copy of the Notice of Supplemental Information Relating to Exhibits 1, 2, 5 and 14 to the Ferguson Declaration (ECF No. 1340) and serving it on all parties to this action; (2) submitting an unredacted copy of the Notice of Supplemental Information Relating to Exhibits 1, 2, 5 and 14 to the Ferguson Declaration (ECF No. 1340) to the Court; and (3) serving upon each claimant a redacted copy of the Notice of Supplemental Information Relating to Exhibits 1, 2, 5 and 14 to the Ferguson Declaration (ECF No. 1340) reflecting only the exhibit relevant to that claimant's claim, and redacted versions of all other exhibits.

DATED: July 23, 2021

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on July 23, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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